



Docket No. 1594.1329

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

In Ju LEE et al.

Serial No. 10/830,016

Group Art Unit: 3748

Confirmation No. 7659

Filed: April 23, 2004

Examiner: Theresa TRIEU

For: VARIABLE CAPACITY ROTARY COMPRESSOR

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION (37 C.F.R. 1.321(c))**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Petitioner, Samsung Electronics Co., Ltd. of 416, Maetan-dong, Yeongtong-gu, Suwon-si, Gyeonggi-do, Republic of Korea, is the owner of one hundred percent interest in the instant application by virtue of an Assignment recorded on April 23, 2004 at Reel 015257, Frame 0854. Petitioner has reviewed the evidentiary Assignment documents, and to the best of the undersigned's knowledge and belief, the title is in the name of Samsung Electronics Co., Ltd., as specified previously. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of any patent granted on pending second application, Application Number 10/829,421, filed on April 22, 2004, the term being defined in 35 USC 154 to 156 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent on the pending second application. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned is an attorney of record.

The requisite fee under 37 C.F.R. §1.20(d) is attached hereto. In the event any fees are required in connection with the filing of this disclaimer, please charge the same to our deposit account number 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 5-22-06

By:  _____

1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-150